

REMARKS

Claims 1-20 are pending in this application. Claims 1, 10, 15 and 19 have been amended to further clarify the present invention. Applicant respectfully submits that no new matter has been added by the amendment. Support for the amendment can be found throughout the specification, and specifically in Figure 3D and the corresponding description on page 11, lines 1-12.

Rejection of claims 1-6 and 9-20 under 35 U.S.C. § 102(b)

Claims 1-6 and 9-20 are rejected under 35 U.S.C. §102(b) as being anticipated by Evans (U.S. 5,924,074).

The present invention recites a user interface apparatus in a network compatible system for displaying medical information derived from a plurality of sources. The user interface apparatus includes a communication processor for acquiring patient medical data. A processor prioritizes acquired patient medical data for display in a desired order and identifies a specific set of displayed data parameters within the displayed medical data during a user determined time interval in response to a user selection command. A display generator generates a first window automatically including the displayed medical data. A second window is displayed in response to user activation of a displayed icon. The second window includes the identified specific set of displayed data parameters and user entered text messages corresponding to the specific set of displayed data parameters and user entered text messages corresponding to the specific set of data parameters. Independent claims 1, 10, 15 and 19 include similar limitations to those discussed above and thus the arguments presented below apply to each of these claims.

Evans describes a system that electronically creates and maintains all patient data. The system captures patient data, such as patient complaints, lab orders, medications, diagnoses, and procedures, at its source at the time of entry using a graphical user interface having touch screens. The Office Action fundamentally misunderstands and misinterprets both the claims of the present invention as well as Evans. The Office

Action asserts that Evans shows in Column 5, lines 10-28 “a processor for prioritizing acquired patient medical data for display in a desired order and for identifying a specific set of displayed data parameters within said displayed medical data during a user determined time interval in response to a user selection command” as recited in the present claimed invention. However, this passage of Evans describes a system enabling physicians to enter, access, process, analyze and annotate data from patient records **in real-time** at the point of care. This system can also communicate with a reference database to assist in diagnoses, prescribing medication and administering treatment. The present invention, on the other hand, enables a user to view data from a time period selected by the user. Then, within this time period, the user is able to identify “a specific set of displayed data parameters” from the displayed medical data. Nowhere in this passage, or elsewhere in Evans is there any mention or even suggestion of “a processor for **prioritizing** acquired patient medical data for display in a desired order and for **identifying a specific set** of displayed data parameters within said displayed medical data during a **user determined** time interval in response to a user selection command” as recited in the present claimed invention. Evans is concerned with creating and maintaining an electronic medical record system to “eliminate or supplement creating and maintaining of physical data records” (Evans, Column 2, lines 26-28). The present claimed invention, on the other hand, increases the efficiency with which the user examines the patient medical record by first enabling the user to determine a time interval from which to view data, instead of viewing the entire record, as in Evans. Then the user prioritizes patient medical information derived from a plurality of sources within this time interval and then the user identifies specific parameters from the patient medical information for further viewing. Thus, Evans neither discloses nor suggests “a processor for prioritizing acquired patient medical data for display in a desired order and for identifying a specific set of displayed data parameters within said displayed medical data during a user determined time interval in response to a user selection command” as recited in the present claimed invention

Additionally, Applicant respectfully disagrees with the assertion in the Office Action that Column 5, lines 56-60 of Evans shows “a display generator for generating a

first window automatically including said displayed medical data and a second window in response to user activation of a displayed icon, including said identified specific set of displayed data parameters and user entered text messages corresponding to said specific set of data parameters” as recited in the present claimed invention. Rather, this passage of Evans describes a system including a graphical user interface having a window that “enables a healthcare provider to schedule a patient appointment using its point and click feature.” In the present invention, the user identifies the specific set of displayed data parameters they wish to view, they select a displayed icon, and then the parameters they selected are displayed in a window including an area for the user to enter text messages that correspond to the specific set of displayed data parameters. Thus, at a glance, the user can simultaneously view the displayed medical data in the first window and their selected set of data with any corresponding annotations in a second window. Viewing this data simultaneously facilitates user review of the data by allowing the user to focus on a specific data set and commentary on that data set while still viewing all the medical data from that determined time period, thus eliminating the need for toggling between windows or transcribing information onto multiple pages, writing in margins or on corners of documents (Specification, page 10, lines 8-11). This feature is not provided anywhere in Evans. Thus, Evans neither discloses nor suggests “a display generator for generating a window in response to user activation of a displayed icon, said window automatically including said identified specific displayed parameters and also including user entered text messages” as recited in the present claimed invention.

Regarding claim 2, Evans neither discloses nor suggests “a memory for storing a file of data representing said user-entered text messages and said identified specific displayed parameters wherein said user entered text messages comprise annotations concerning said specific set of data parameters” as recited in the present claimed invention. Rather, column 9, lines 16-19 of Evans describe a cache for temporarily storing patient data and a data archive for storing patient data long term. The data manager “coordinates the transfer of patient data to and from a data archive into a cache.” Evans merely provides places to store the physical patient data, while the information being stored in the present claimed invention, on the other hand, is **annotations**

concerning said specific set of data parameters.” Thus, this passage of Evans cited in the Office Action, and elsewhere in Evans, makes no mention of, nor even suggests “wherein said user entered text messages comprise **annotations concerning said specific set of data parameters**” as recited in claim 2 of the present invention.

Regarding claims 13 and 20, the Office Action contends that column 9, lines 41-45 of Evans show “determining whether a note file already exists for said specific displayed parameters” as recited in the present claimed invention. Column 9, lines 41-45 of Evans describes how a patient locator attempts to find the patient identifier (PID) for the record having the requested patient data and reports an error when no PID is found. A PID is not equivalent to a note regarding specific displayed parameters. A PID is used to locate information regarding a patient, while a note file is information associated with “specific displayed parameters.” Thus, Evans neither discloses nor suggests “determining whether a note file already exists for said specific displayed parameters” as recited in the present claimed invention.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Evans showing the above discussed features of Claims 1-6 and 9-20.

In view of the above remarks regarding claims 1, 10, 15 and 19 it is respectfully submitted that independent claims 1, 10, 15 and 19 are not anticipated by Evans. As claims 2-6 and 9 are dependent on claim 1, claims 11-14 are dependent on claim 10, claims 16-18 are dependent on claim 15 and claim 20 is dependent on claim 19, it is respectfully submitted that these claims are also not anticipated by Evans. It is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 7 and 8 under 35 USC§ 103(a)

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Evans (U.S. Patent 5,924,074) and further in view of Official Notice.

The Rejection takes Official Notice that “HTML strings are involved in the Evans’ reference to the World Wide Web, as HTML is the markup language of the Web. Therefore, it would have been an obvious modification of the system taught by Evans to include HTML strings with the motivation of using the proper markup language of the Web” (Rejection page 6). It is acceptable for official notice to be taken of a fact of “wide notoriety”, In re Howard, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968) e.g. a fact commonly known to laymen everywhere, 29 AM Jur 2D Evidence S. 33 (1994) or of a fact that is capable of “instant and unquestionable demonstration”, In re Ahlert 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). However, official notice should not be taken of a fact normally subject to the possibility of rational disagreement among reasonable men, In re Eynde, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973). It is submitted that the elements of which the Rejection takes official notice, in the context of their respective claims, are neither features of “wide notoriety”, (In re Howard), nor capable of “instant and unquestionable demonstration” (In re Ahlert). On the contrary, these features are subject to the possibility of rational disagreement given the claim arrangements within which they reside. Consequently, Applicants take exception to the instances of Official notice used in the rejection with regard to claims 7 and 8. Further, Applicants request that a showing be made of evidence that these features were well known, in the context of their respective claims at the time the invention was made. Consequently withdrawal of the Rejection of claim 7 and 8 under 35 USC 103(a) is respectfully requested.

Neither the Official Notice nor Evans discloses or suggests “a processor for prioritizing acquired patient medical data for display in a desired order and for identifying specific displayed parameters of said data in response to a user selection command; and a display generator for generating a window in response to user activation of a displayed icon, said window automatically including said identified specific displayed parameters and also including user entered text messages” as recited in claim 1 of the present claimed invention. Claim 7 is dependent on claim 1, thus, claim 7 is considered patentable for the same reasons presented above with respect to claim 1 also apply to claim 7.

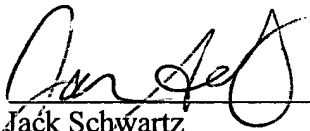
Additionally, Applicant respectfully disagrees with the assertion in the Office Action that column 6, lines 1-3 of Evans show or suggest “said window includes time stamp information associated with said identified specific displayed parameters and time stamp information associated with creation of the note file” as recited in claim 8 of the present invention. Rather, this passage of Evans describes a user selecting an appointment date and time and displaying the selected date and time of the appointment. This is wholly unlike the present claimed invention. As stated on page 6, lines 9-10 of the specification, and as is well known in the art, time stamp information is “indicative of the date and time associated with the acquired data.” This is not equivalent to user input of a time to make an appointment, as described by Evans. Thus, Evans neither discloses nor suggests “time stamp information associated with said identified specific displayed parameters and time stamp information associated with created of the note file” as recited in the present claimed invention.

In view of the above remarks and the remarks concerning Independent claim 1, it is respectfully submitted that Evans and the Official Notice when taken alone or in combination provide no 35 USC 112 compliant enabling disclosure showing the features claimed in claim 1. As claims 7 and 8 are dependent on claim 1, it is respectfully submitted that claims 7 and 8 are patentable for the same reasons as claim 1 discussed above. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit
Account 50-2828.

Respectfully submitted,
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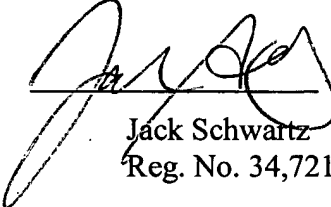
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